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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.5998 of 2024

1.Chinnaraj
2.Sathish @ Mutharasu ..Petitioners

Vs.

State represented by
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
(Crime No.6 of 2024). ...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.6 of 2024 on the file of the respondent police.

For petitioners : Mr.N.Manoharan

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 15.01.2024 for the offences originally registered by

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the respondent Police under Sections 294(b), 323, 324, 506(ii), 307 IPC and subsequently altered to Sections 294(b), 323, 302 of IPC in Crime No.6 of 2024 on the file of the respondent, seek bail.

2.A1 and A2 are the father and son. The deceased is the wife of the brother of the first petitioner. There has been some dispute over the possession and cutting down of teak trees and there was a scuffle, due to which, the deceased fell down and suffered injuries necessitating the registration of the FIR under Section 307 IPC and later she died.

3.Taking all the factors into consideration and the period of incarceration and also of the fact that the investigation has been practically completed, this Court is inclined to grant bail to the petitioners subject to the following conditions:

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pennagaram and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may

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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

19.03.2024

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C.V.KARTHIKEYAN. J.

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To

1.The Judicial Magistrate, Pennagaram.

2. The District Prison, Dharmapuri.

3.The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

4.The Public Prosecutor, High Court of Madras.

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